

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MICHAEL LAWRENCE BURGESS,

Petitioner,

v.

Civil Action 2:16-cv-0020  
Criminal No. 2:04-cr-147  
Judge Frost  
Magistrate Judge King

UNITED STATES OF AMERICA,

Respondent.

ORDER

On January 12, 2016, the United States Magistrate Judge recommended that petitioner's January 8, 2016 *Motion to Vacate under 28 U.S.C. § 2255* be transferred to the United States Court of Appeals for the Sixth Circuit as a second or successive petition. *Report and Recommendation* (ECF No. 120)(citing 28 U.S.C. §§ 2244, 2255).

Petitioner was granted until February 22, 2016 to object to that recommendation. *Order* (ECF No. 121). There has been no objection.

The *Report and Recommendation* (ECF No. 120) is **ADOPTED AND AFFIRMED**. This action is **ORDERED TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as a second or successive petition. See *In re Sims*, 111 F.3d 45, 47 (6<sup>th</sup> Cir. 1997).

/s/ GREGORY L. FROST  
Gregory L. Frost  
United States District Judge